

April 28, 2023

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: Freedom of Information Act Request Related to 20 Harvard Rd, Littleton, MA

To Whom It May Concern:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., Conservation Law Foundation (“CLF”) hereby requests all records pertaining to the environmental compliance of the facility located at 20 Harvard Road, Littleton, MA 01460 and listed on the U.S. Environmental Protection Agency (“EPA”) Enforcement and Compliance History Online (“ECHO”) website as Sunny Delight Beverages Plant (FRS ID: 110002045493), and operating under the name Patriot Beverages LLC, as follows. Unless otherwise stated, this request seeks records from April 25, 2023, to the date this request is filled:

I. Documents associated with the facility’s Clean Water Act NPDES Permit (No. MA0004936):

- A. All versions of the facility’s operative National Pollutant Discharge Elimination System (“NPDES”) Permit(s);
- B. Compliance documents and monitoring reports associated with the facility’s NPDES Permit(s), including but not limited to discharge monitoring reports (“DMRs”), notices of noncompliance, notices of equipment malfunction, notices of daily, weekly, or monthly maximum exceedances, and any permittee record or report requested by the EPA;
- C. Any and all comments and attachments to the facility’s DMRs (including cover letters, substitute samples taken following adverse weather conditions, and comments not available through ECHO);
- D. Any and all reports, records, and notes associated with EPA’s inspections of the facility pursuant to the Clean Water Act;
- E. Any and all citizen complaints associated with the facility.

II. Enforcement documents associated with the facility:

- A. Letters of warning, notices of violation, notices of noncompliance, and administrative orders, including but not limited to notices of noncompliance issued on April 4, 2018, and November 24, 2020; and
- B. Consent agreements, court orders, administrative orders, or other orders governing the terms or status of the facility's compliance with its NPDES permit(s), including but not limited to those related to notices of noncompliance issued on April 4, 2018, and November 24, 2020.

Please provide the requested records in electronic format and on a rolling basis, if possible. To the extent you believe any requested record is exempt from disclosure, please provide a log identifying which documents you claim are exempt, specify the exemption or privilege that you assert is applicable, and explain why you believe such exemption or privilege is applicable.

CLF respectfully requests that any fees incurred in conjunction with this request be waived pursuant to 40 C.F.R. § 2.107(l). CLF is a non-profit organization that works to protect New England's environment for the benefit of all people. This request is not made to further the requester's commercial interest. Rather, disclosure of the requested information will contribute significantly to public understanding of the operations and activities of the government, including the monitoring and enforcement activities of EPA, and specifically as they relate to the facility. CLF seeks information regarding the facility's history of compliance with its permit in order to inform CLF members and the public about potential violations, enforcement actions, and any recent contamination. The requested information is not publicly available and, to the extent that it sheds light on these matters, disclosure is in the public interest and of critical importance to the people who live, work, and recreate near the facility and who may be exposed to dangerous pollutants. 5 U.S.C. § 552(a)(4)(A)(iii).

Communications is an integral part of CLF's advocacy. We have a professional communications team that develops multi-media strategic communications plans for our initiatives and campaigns designed to deliver our message on multiple platforms to reach and engage diverse audiences. Communications tactics may include traditional media outreach, opinion pieces, blogs, features, and the creation and distribution of visual content to build a strong narrative and raise public awareness. We also disseminate environmental news and analysis by our staff of experts to CLF members throughout New England via our website and email communications. As of April 2023, our email list is approximately 38,000 people, our Facebook audience is 21,000, on Twitter, CLF has more than 9,000 followers, on LinkedIn, we can reach 3,611 followers, and on Instagram,

we have more than 2,000 followers. In 2020, CLF was quoted in the media 3,277 times in outlets including The Boston Globe, WBUR, Our Daily Planet, Chelsea Record, and many others.

In the event that our request for a fee waiver is denied, we request that the total cost be minimized by providing the information in electronic format. Also, if fees are assessed, please provide in advance a written, itemized, good faith estimate of such fees.

We look forward to your written response within twenty business days from this request. Please do not hesitate to contact me at ehsi@clf.org if you have any questions. Thank you in advance for your time and attention to this matter.

Sincerely,

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